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HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

SINGLE BENCH: HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION NO. 148 OF 2006

PETITIONER Smt. Usha Kaur
W/o Sri Harnam Singh
Aged about 43 years,
R/o Radha Krishna Mandir,
Torwa, Bilaspur, Distt. – Bilaspur C.G.

DEFENDANT

Vs.

RESPONDENT Shyam Kumar Khatri
S/o Sri Harish Chandra
Aged about 53 years,
R/o Near Radha Krishna Mandir,
Torwa, Bilaspur, Distt. Bilaspur C.G.

Present: Mr. Ravish Verma, learned counsel for the petitioner.

ORAL ORDER
(Passed on 12th January, 2006)

The order made by the learned trial Judge under Section 13 of the C.G. Accommodation Control Act, marked as Annexure-P/, has been assailed in this writ petition filed under Article 227 of the Constitution of India. The contention is that since the petitioner – defendant has averred that he is the co-owner of the subject property, learned trial Judge ought not to have allowed the application of the respondent –plaintiff, filed under Section 13 of the C.G. Accommodation Control Act. The averment of the defendant, at this stage, cannot be taken as proof. The question raised by the petitioner – defendant is required to be adjudicated upon and finding recorded only after the trial. Be that as it may, I do not find any jurisdictional flaw or failure of justice. The writ petition is, therefore, dismissed. No costs.

Sd/-
Chief Justice